

H. B. No. 29, A bill to be entitled "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 27, A bill to be entitled "An Act amending Chapter 44, Page 67, Acts of Fortieth Legislature of the State of Texas, passed in 1927,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

#### Adjournment

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Spears moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate, accordingly, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### FIFTY-NINTH DAY

(Thursday, April 27, 1939)

The Senate met at 10:00 o'clock, a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Moffett
Head	Moore

Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Winfield

Absent—Excused

Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Senate Concurrent Resolution 41

Senator Pace offered the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Senate and House relative to consideration of Senate bills on House days be suspended for April 27th in order that the Senate may work on Senate bills as well as House bills if the Senate so desires.

The resolution was read.

Yeas and nays were demanded, and the resolution was lost by the following vote:

Yeas—12

Beck	Pace
Brownlee	Redditt
Burns	Stone
Cotten	of Washington
Martin	Van Zandt
Moffett	Winfield
Moore	

Nays—12

Aikin	Metcalf
Graves	Nelson
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Absent

Collie	Roberts
Hardin	Shivers
Head	Sulak

Absent—Excused

Weinert

**Motion to Take Up House Bill 359**

Senator Aikin moved that the regular order of business be suspended, to take up H. B. No. 359 on its second reading and passage to third reading.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—14**

Aikin	Redditt
Beck	Roberts
Burns	Shivers
Collie	Stone
Cotten	of Galveston
Moffett	Stone
Moore	of Washington
Pace	Winfield

**Nays—13**

Brownlee	Lemens
Graves	Martin
Hardin	Metcalfe
Hill	Nelson
Isbell	Spears
Kelley	Van Zandt
Lanning	

**Present—Not Voting**

Small

**Absent**

Head Sulak

**Absent—Excused**

Weinert

**House Bills on First Reading**

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 108, to Committee on Civil Jurisprudence.

H. B. No. 792, to Committee on Criminal Jurisprudence.

H. B. No. 963, to Committee on Criminal Jurisprudence.

H. B. No. 153, to Committee on Criminal Jurisprudence.

**Minority Report**

Senator Pace submitted at this time the following report:

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Com-

mittee on Civil Jurisprudence, to whom was referred

H. B. No. 798, A bill to be entitled "An Act amending Article 1728 of the Revised Civil Statutes of Texas of 1925, with respect to appellate jurisdiction of the Supreme Court; regulating the form of the order of the Court in respect to the granting, refusing, or dismissing the application for writ of error; repealing all laws or parts of laws in conflict and declaring an emergency,"

Have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in the Committee at the time said bill was reported unfavorably, and voting for a favorable report for said bill.

PACE,  
AIKIN,  
ISBELL.

**House Bill 17 on Third Reading**

The President laid before the Senate, on its third reading and final passage:

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing restrictions, etc., and declaring an emergency."

The bill was read third time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 17 by adding a new section:

"The provisions of this Act shall not apply to counties in this State who have a population of 38,000 and less according to the last Federal Census.

BURNS,  
COTTEN.

Senator Spears moved the previous question on the amendment and the passage of the bill, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—10

Graves	Small
Hill	Spears
Kelley	Stone
Lemens	of Galveston
Martin	Winfield
Nelson	

Nays—17

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Hardin	Shivers
Isbell	Stone
Lanning	of Washington
Metcalfe	Van Zandt

Absent

Collie	Sulak
Head	

Absent—Excused

Weinert

Pending consideration of the amendment, Senator Lemens occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the amendment be adopted?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 13, A bill to be entitled "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of S. B. No. 111 passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said Chapter to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative; providing that in involuntary liquidation the Banking Commissioner of Texas shall be receiver for associations to be liquidated; providing the procedure to be followed by the Banking Commissioner for such liquidation; authorizing the appointment of agents, attorneys, assistants and help in the liquidation of such associations; authorizing the Banking Commissioner to appoint as his agent the General Manager of the Federal Savings and Loan Insurance Corporation in the liquidation of insured associations; providing for the expense of such liquidation; providing for the bonding of officers and employees of building and loan associations by surety companies; providing that married women and minors may subscribe for shares and share accounts in building and loan associations organized in this State, or in Federal savings and loan associations domiciled in this State; providing that shares or share accounts so purchased by a married woman may be held pledged, hypothecated, controlled, transferred and withdrawn by her without the joinder of her husband, in all respects as a feme sole; providing that minors may pledge, hypothecate, control, transfer and withdraw such investments as a person who has reached his majority; providing that any payment made by any such association to a married woman or a minor in connection with said shares

or share accounts shall be valid and binding on all parties and that a receipt or acquittance signed by a married woman without the joinder of her husband or by a minor shall be a valid and sufficient release and discharge of any such association for any payment on shares or share accounts; providing that shares or share accounts issued by any building and loan association organized under the laws of this State, or by any Federal savings and loan association domiciled in this State, in the name of two or more persons, or to two or more persons, or the survivor of either, may be withdrawn on the signature of either party; that such account shall create one membership, and the payment or delivery to either party of any rights thereunder, whether all parties are living or dead, shall be a valid and sufficient release and discharge of any such association for the payment or delivery so made; providing that administrators, executors, guardians, trustees, or fiduciaries, may acquire and hold shares and share accounts in building and loan associations organized under the laws of this State, or in any Federal savings and loan association domiciled in this State; providing that administrators, executors, guardians, trustees, or other fiduciaries may invest funds in their hands in the obligations of any Federal Home Loan Bank, or in the obligations of any Federal Savings and Loan Insurance Corporation; providing that any Texas corporation, including any insurance company, may invest its funds in the shares or share accounts of such building and loan associations; and that such investments shall be eligible for tax reducing purposes under Articles 7064 and 4769, Revised Civil Statutes of 1925, as amended; providing restrictions as to deposit accounts in building and loan associations; providing for articles of association, its name, purpose for which it is organized, its place of business, the amount of its capital stock, the names, occupations and addresses of its incorporators and directors, the term of its existence, and the number of directors of the association; providing for membership in building and loan associations; the liability of such members and definition of capital; providing for lien on accounts and providing for the voting power of shares or share accounts and the method of voting; providing for the

payment of dues; making it unlawful to advertise a greater capital than actually exists; providing for the value of the participation in the capital of each share or share account; providing that associations may have a lien upon the account of any borrower, but may waive its lien in whole or in part; authorizing associations to accept shares or share accounts as security for a loan, such shares or share accounts belonging to other persons; providing that building and loan associations may issue different classes of shares and share accounts and completely describing and defining said different classes of shares and share accounts and rights thereunder; providing a method by which reserve funds or permanent stock may be retired, in whole or in part, by any association having such reserve fund or permanent stock; providing that until September 1, 1943, building and loan associations may make ninety per cent (90%) loans where such loan is insured by the Federal Housing Administrator; authorizing building and loan associations eligible for insurance under the National Housing Act to do all things necessary to obtain, continue or terminate such insurance and ratifying and confirming actions heretofore taken by any such building and loan association in connection with such insurance; granting to Federal savings and loan associations organized under the provisions of the Home Owners Loan Act of 1933, as now or hereafter amended, and the holders of shares or share accounts issued by any such association, all the rights, powers and privileges and exemptions now enjoyed by building and loan associations organized under the laws of this State or the share or share account holders of such domestic building and loan associations; providing that gross earnings of building and loan associations shall be ascertained semiannually; providing for the payment of operating expenses and dividends; providing for a reserve fund; providing for loss and depreciation of securities; providing for the crediting of dividends to shareholders and declaring an emergency."

S. B. No. 6, A bill to be entitled "An Act declaring the floods of Harris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris

County for flood control improvement and maintenance purposes, etc., and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act to fix the maximum tax rate for school purposes in all independent and common school districts in counties having a population of not less than 12,188 and not more than 12,195 inhabitants, according to the last preceding Federal Census, and declaring an emergency." (With amendments).

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Conference Committee on Senate Bill 9 Requested

Senator Hardin called up Senate Bill No. 9 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were explained by Senator Hardin.

Senator Hardin moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### Senate Resolution 70

Senator Kelley, by unanimous consent, offered at this time the following resolution:

Whereas, Dr. Ramon Beteta, Undersecretary of Foreign Affairs of the Republic of Mexico, and his wife are visiting in Austin, Texas; and

Whereas, Dr. Beteta is a graduate of the University of Texas, and has served with distinction in a number of capacities in the Mexican Federal Government, and is today one of the outstanding leaders of that Republic; and

Whereas, Dr. Beteta has contributed much to a closer relationship and a better understanding between the peoples of Mexico and Texas; now, therefore, be it

Resolved, That Dr. Beteta and his party be extended the privileges of the floor during their visit in Austin, and that he be invited to address the Senate at his convenience.

The resolution was read; and on motion of Senator Kelley and by

unanimous consent, it was considered immediately.

The resolution was adopted.

Accordingly, Dr. Beteta was escorted to the President's stand by Senator Kelley.

The President presented Senator Kelley, who introduced Dr. Ramon Beteta to the Senate.

Dr. Beteta then addressed the Senate briefly.

#### Senate Concurrent Resolution 42

Senator Van Zandt, by unanimous consent, offered at this time the following resolution:

Whereas, Senate Bill 70 has been passed by the Legislature and is now with the Governor, and

Whereas, It appears that the caption of said bill was not properly amended, now, therefore, be it

Resolved by the Senate of Texas, and the House of Representatives concurring, That the Governor is hereby requested to return to the House of Representatives said Senate Bill No. 70, and the Speaker of the House and President of the Senate be authorized to erase their names therefrom and the Enrolling Clerk of the Senate be and is hereby instructed to withdraw her certificate therefrom.

The resolution was read; and on motion of Senator Van Zandt and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Bills Signed

The President signed in the presence of the Senate the following enrolled bills:

S. B. No. 57, "An Act amending Article 2237 of the Revised Statutes by dispensing with bills of exception to action on written motions, and declaring an emergency."

S. B. No. 86, "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use at a Texas State Park."

S. B. No. 268, "An Act to amend Article 545, Section 2, Chapter 9, Revised Civil Statutes of the State of Texas, 1925, and to add a new article to Article 548 to be herein-

after known as Article 548a; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 851, "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, so as to provide for the termination of the Act on September 1, 1941; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties or forfeitures, civil or criminal incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted, and declaring an emergency."

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 27, 1939

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 255, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings and improvements of the several State Institutions of Higher Learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause, and declaring an emergency."

S. B. No. 75, A bill to be entitled "An Act to regulate Brokers who sell

transportation, or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties; and declaring an emergency." (With amendments.)

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bill 978 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 978 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 978, A bill to be entitled "An Act amending H. B. No. 11, Acts of the Regular Session of the Forty-sixth Legislature."

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 978, page 2, line 28 by striking out \$2,000.00 and insert in lieu thereof \$1,000.00.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 978 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 978 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Winfield
Metcalfe	

## Absent—Excused

Sulak	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Winfield
Metcalfe	

## Absent—Excused

Sulak	Weinert
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## Bill Signed

The President Pro Tempore signed in the presence of the Senate, the following enrolled bill:

S. B. No. 6, "An Act declaring the floods of Harris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris County for flood control improvement and maintenance purposes, etc., and declaring an emergency."

## House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 255, to Committee on Finance.

## Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 13, "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said Chapter to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative, etc., and declaring an emergency."

S. B. No. 303, "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, etc., and declaring an emergency."

## Reports of Standing Committees

By unanimous consent, the following reports were submitted by the

committee chairmen whose names are signed thereto:

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Institutions, to whom was referred H. B. No. 742, A bill to be entitled "An Act changing the name of the State Juvenile Training School to be hereafter known as the Gatesville State School for Boys, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

LEMENS, Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 946, by Kinard, A bill to be entitled "An Act providing that in certain counties that it shall be unlawful for any person to trap or set a trap or deadfall on the inclosed or uninclosed land of another without the consent or permission of the owner of said land; and so that it shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed or uninclosed land of another, or be in possession of a muskrat or other fur-bearing animal or the hide of such animal, taken from such land, without the consent of the owner or lessee of such land; providing a penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 801, by Anderson, A bill to be entitled "An Act authorizing

County Commissioners' Courts in certain counties to pay employees while ill or injured; providing payment of such salaries; providing mode and manner of payment of such salaries; providing vacation periods for employees in certain counties; providing number of days of said vacation during any calendar year; providing for full compensation during such vacation; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 988, by Riviere, A bill to be entitled "An Act amending Article 36 of the Revised Penal Code of the State of Texas, 1925 Revision, providing and naming when intoxication and use of narcotics shall mitigate the offense; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

#### Recess

On motion of Senator Cotten, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Address by Honorable W. R. Poage

Senator Hill, by unanimous consent, offered the following resolution:

(Senate Resolution 71)

Whereas, A former distinguished member of this body, now a Member of the National Congress, the Honorable W. R. Poage, is present in the Capitol, now, therefore, be it



Resolved, That he be invited to address the Senate and have the privileges of the floor.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, Senator Hill escorted Hon. W. R. Poage to the President's stand and presented him to the Senate.

Mr. Poage then addressed the Senate.

#### House Bill 17 on Final Passage

The Senate resumed consideration of pending business, same being H. B. No. 17, to regulate real estate brokers, on its final passage; with amendment by Senator Burns pending.

Question—Shall the amendment be adopted?

#### Motion to Adjourn

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. Monday, May 1, 1939.

Yeas and nays were demanded, and the motion was lost by the following vote:

#### Yeas—10

Aikin	Moffett
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Hardin	Van Zandt

#### Nays—13

Collie	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Metcalf	Stone
Moore	of Washington
Nelson	

#### Present—Not Voting

Beck	Sulak
Graves	

#### Absent

Head	Martin
Lemens	Winfield

#### Absent—Excused

Weinert

Question recurring on the amendment by Senator Burns it was lost by the following vote:

#### Yeas—9

Aikin	Hardin
Beck	Hill
Brownlee	Shivers
Burns	Sulak
Cotten	

#### Nays—17

Collie	Nelson
Graves	Pace
Isbell	Redditt
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Moore	

#### Absent

Head	Roberts
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#### Absent—Excused

Weinert

#### Paired

Senator Van Zandt (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 17 by adding a new section as follows:

"All hearings provided for herein shall be held in the County of permittee's residence."

Senator Small moved to table the amendment.

Question—Shall the motion to table prevail?

#### Bill Signed

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 286, "An Act providing for the standardization of potatoes, tomatoes and other vegetables by means of the compulsory inspection, grading, classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for vegetables and authorizing the Commissioner to adopt other, different and additional standards not directly in conflict therewith; directing and em-

powering the Commissioners to establish, promulgate and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors and employees from engaging in the business of buying and/or selling vegetables; providing for inspection and certification of shipments of vegetables in and/or from the State of Texas; defining the terms 'inspectors and/or agents and/or employees' of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of vegetables; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of vegetables and/or by virtue of cooperative agreement between the Commissioner and the United States Department of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; etc., and declaring an emergency."

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 109, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon con-

viction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith; and declaring an emergency." (With amendments.)

H. B. No. 669, A bill to be entitled "An Act creating the Lower Concho River Water and Soil Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties; providing for its officers and amount and manner of compensating the same, and their duties and powers; providing for the issuance of bonds and the payment thereof; providing for the sale of certain properties and the conditions of such sales; providing for accepting aid from and cooperating with the Federal Government, the State Government, and to cooperate and assist other Soil and Water Districts and Associations, organized for Soil and Water Conservation; and for an appropriation, and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act validating certain bonds in cities in the State of Texas operating under the General Laws of the State and located in counties having a population less than 27,500 and more than 27,400, according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenue to be derived from the operation of a municipal light and power distribution system, and declaring an emergency."

H. B. No. 879, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey and transfer all right, title and interest of whatsoever class, kind or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas, and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act to fix maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a popula-

tion of not fewer than 6,200 and not more than 6,225, whether organized under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

H. B. No. 984, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject, and declaring an emergency."

H. B. No. 1010, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the county superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

H. C. R. No. 114, Authorizing the Texas Livestock Sanitary Commission to sell and dispose of certain fence.

H. C. R. No. 115, Extending to the Brotherhood of Railway and Steamship Clerks and Express and Station Employees an invitation to hold their next Quadrennial Convention in the State of Texas.

H. C. R. No. 116, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 84.

H. C. R. No. 117, Requesting that the Grand Jury of Travis County be petitioned to investigate certain charges made against a member of the House of Representatives.

The House has concurred in Senate amendments to H. B. No. 978 by a vote of 128 yeas, 1 no.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Appointment of Conference Committees

The President announced the appointment of the following conferees on S. B. No. 9 on the part of the Senate: Senators Hardin, Metcalfe, Lanning, Burns and Lemens.

The President announced the appointment of the following conferees on H. B. No. 92 on the part of the Senate: Senators Head, Martin, Graves, Roberts and Moffett.

#### Adjournment

Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Van Zandt moved that the Senate adjourn until 10:00 o'clock a. m. Monday, May 1, 1939.

Question first recurring on the motion of Senator Van Zandt, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—13

Aikin	Isbell
Beck	Lemens
Burns	Moffett
Collie	Pace
Cotten	Redditt
Hardin	Van Zandt
Hill	

#### Nays—12

Brownlee	Small
Graves	Spears
Kelley	Stone
Metcalfe	of Galveston
Nelson	Stone
Roberts	of Washington
Shivers	Sulak

#### Absent

Head	Martin
Lanning	Moore

#### Absent—Excused

Weinert	Winfield
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The Senate, accordingly, at 3:35 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, May 1, 1939.